



OIL SPILL PREVENTION AND RESPONSE TECHNICAL ADVISORY COMMITTEE (TAC) Meeting Minutes



Department of Fish and Game
Office of Spill Prevention and Response
1700 K. Street, Ste 250
Sacramento, CA 95814

July 21, 2009

9:00 a.m. - 3:20 p.m.

Attendance:

Members	Agency Representatives	DFG/OSPR Participants		Guests	Constituents
Carol Baker	Linda Scourtis	Tena Rakela	Stephen Edinger		
Jonna Mazet	Gary Gregory	Charlena Hayes	Forrest Gardens		
Joan Lundstrom	Robin Blanchfield	Marion Boyd	Scott Schaefer		
John Berge		Joy Lavin-Jones	Steve Sawyer		
Laura Kovary					
R. Mitchel Beauchamp					
Stephen Ricks					

I. INTRODUCTIONS

STEPHEN L. EDINGER (Administrator), OSPR

- ❖ Administrator Edinger was unanimously appointed by the Senate Rules Committee.
- ❖ Mr. Edinger handed the meeting off to Mr. Steve Ricks, TAC Chairman.

II. APPROVAL OF MINUTES

STEPHEN RICKS (CHAIRMAN), TAC

- ❖ Corrections were made to page 1, 3 and the attendance/name sheet.
- ❖ Minutes were unanimously approved with edits.

III. OSPR UPDATE

STEPHEN EDINGER, OSPR

- ❖ OSPR is currently affected by the Governor's Furlough order. All state offices will be closed the 1st, 2nd, and 3rd Friday's of the month.
- ❖ Game wardens are not covering all the territory they need to due to the reduced work hours. The furlough is impacting OSPR's ability to detect oil spills.
- ❖ OSPR field response teams are under self-directed furloughs.
- ❖ If a spill happens on a furlough day, it will be treated by OSPR staff as if the spill happened on the weekend. All personnel are required to report in.
- ❖ Ships requiring COFR's are waiting longer periods of time. They cannot enter California waters until they obtain the proper insurance. The loss of hours has increased the processing time to issue certificates. A vessel was almost turned around because they were unable to obtain a COFR certificate one Friday.
- ❖ Some lawsuits have failed that challenge the Governor's furlough program. A hearing is set for Sept 29 that challenges the Governor's order to furlough non-general fund employees. Virtually all of OSPR's salaries are non-general funded. OSPR may be exempt from the Governor's Executive Order should the judge's ruling find the policy illegal.
- ❖ OSPR staff must have approval before accepting a second job.
- ❖ The Administrator attended the U.S. House of Representatives Science and Technology Committee hearing on June 4. Mr. Edinger focused on oil spill technologies and applications of existing technologies.
- ❖ OSPR has utilized two technologies: High Frequency Radar and Multi-Spectral Imaging.
- ❖ OSPR is looking procure two types of technology. Thermal imaging (oil detection at night) and high-velocity water booming.
- ❖ Representative Woolsey's Office (Sonoma County) is looking at funding research with federal initiatives.
- ❖ OSPR is looking at gathering Research and Development monies; currently the infrastructure is not capable to handle this type of workload.
- ❖ The oil spill contingency plan has completed the internal review phase. The Plan will be forwarded to TAC and SIOSC for review. Comments should be back to OSPR by Aug 28. Most of the input from other agencies has been minor. Director Koch, has contacted the U.S. Army Corps of Engineers to request their participation with this Plan.
- ❖ June 22, 2009 Platform Holly sprang a leak on one of its valves spilling one barrel of oil into the ocean. A fine was assessed by the U.S. Coast Guard.
- ❖ OSPR's 1-year response to the BSA audit is due Aug 28. A copy of the response is available at www.bsa.ca.gov.
- ❖ OSPR's budget projections have not changed from the last meeting. Current fund projections show OSPR with a negative balance in FY 11/12.
- ❖ All contracts are on hold. Some vendors do annual work; they cannot begin any project without approval.
- ❖ The state is currently issuing IOUs as payments. Vendors are reluctant to enter into a contract with OSPR because of the current financial crisis.
- ❖ Travel advances are not being issued by the department. Personnel are not required to travel if it will cause a hardship.

IV. PUBLIC COMMENTS

- ❖ No comments from the public

V. AGENCY REPORTS

❖ California Coastal Commission

ROBIN BLANCHFIELD

For its TAC agency report, the California Coastal Commission submitted its Annual Progress Report (July 1, 2008-June 30, 2009) that described its accomplishments and work tasks performed under its Interagency Agreement with OSPR. This report is incorporated into these minutes by reference and attached hereto for the record.

❖ State Lands Commission

GARY GREGORY

For its TAC agency report, the State Lands Commission submitted its report. This report is incorporated into these minutes by reference and attached hereto for the record.

❖ BCDC

LINDA SCOURTIS

No report submitted

❖ USCG

No report submitted

❖ NOAA

No report submitted

VI. FUND CONDITION AND BUDGET UPDATE

TENA RAKELA, OSPR

Budget handouts provided

- ❖ OSPR is saving money with the Governor's furlough executive order.
- ❖ Most of the excess savings are from vacant positions.
- ❖ OSPR's fiscal office is using three year average expenditures to project future account balances.
- ❖ Midyear adjustments will need to be made. TAC members can ask for updated projections at any time.
- ❖ Currently OSPR is analyzing BCPs, and identifying positions and programs to cut. Spill response and mission-critical programs will not be touched.

VII. BSA – DOF Audit

TENA RAKELA, OSPR

Handouts provided

- ❖ OSPR is in the beginning stages of requesting a audit to be performed by the Department of Finance or the Board of Equalization.
- ❖ OSPR's finances have not been analyzed in the last few years. By reviewing the collection practices, OSPR will have a better understanding of fund projections.
- ❖ Recently, OSPR has received refund requests for overpayments of fees.
- ❖ Oil delivered in barrels is simple to compute taxes and fees; pipelines are much harder to evaluate.
- ❖ Petroleum companies need to submit run tickets.
- ❖ If oil has been transferred, there should be a bill of lading.

VIII. LEGISLATION/REGULATIONS UPDATE

JOY LAVIN-JONES, OSPR

❖ AB 1442 (Huffman):

This is a large omnibus bill which includes many changes to the Fish and Game and Government Codes, clarifies provisions relating to submission of a wildlife rehabilitation plan after an oil spill, and corrects an inaccuracy in the definition of non-persistent oil. **[Senate: Third reading].**

❖ AB 305 (Nava):

This bill establishes a 5 year statute of limitations for failure to report hazardous material spills or for intentionally misleading reports of such spills (Code of Civil Procedure). In the Health and Safety Code, the bill adds county jail time (up to one year) as a possible punishment for failure to report an oil spill or knowingly making a false or misleading report of an oil spill in non-marine waters; thus, making these actions potential misdemeanors. The bill expressly preserves other statutory prosecution or sentencing options that may be available, if any. **[Read first time; referred to Senate Appropriations].**

❖ AB 248 (Lowenthal):

The Marine Invasive Species Act requires vessels to meet reporting requirements relating to ballast water and hull fowling, and to submit this information to the State Lands Commission (SLC). This bill requires that additional information be reported to the SLC related to the ballast water treatment system used by the vessel. **[Senate: Third reading].**

❖ AB 1518 (Anderson):

Numerous existing laws create various state boards, commissions, and committees. This bill would require that all statutorily created state boards, commissions, and committees that have not met or had a quorum at any of their regular meetings since January 1, 2008, be repealed on January 1, 2010. **[Note: this bill did not pass out of the house of origin by June 5, so it is no longer active this session]**

❖ AB 783 (Anderson)

Existing law authorizes the creation of various state agencies, boards, and commissions. This bill would require that all statutorily created state agencies, boards, and state commissions that are funded by General Fund revenues, except for the Franchise Tax Board, be repealed on January 1, 2022. **[Note: this bill did not pass out of the house of origin by June 5, so it is no longer active this session]**

IX. SCC PRESENTATION (SCCOOS)

LISA HAZARD, UCSD

PowerPoint Presentation

- ❖ A technology demonstration was given to TAC.
- ❖ A new high definition radar system is running and its abilities should help OSPR with oil spill response.

X. STATE LANDS COMMISSION MINERAL RESOURCES MANAGEMENT DIV.

PETE JOHNSON, SLC

Handout Provided

- ❖ A presentation was given to TAC about State Lands Mineral Resources Management Division.
- ❖ The functions to MRMD are:
 - Manage all offshore oil and gas leases
 - Manage all onshore state hard rock mineral resources
 - Manage all state school lands mineral resources to include geothermal
 - Inspect and audit all oil, gas, geothermal, and mineral extraction facilities on state lands
 - Conduct financial audits of state leases and manage royalty revenues collected from state resource production
 - Assist other divisions with engineering, geothermal and financial expertise.

XI. 2009/2010 TAC ISSUES

- ❖ Tanker Inspections
- ❖ Teleconference abilities

XII. Old/NEW BUSINESS

- ❖ None

STEPHEN RICKS, (CHAIRMAN), TAC

XIII. MEETING DATES

- ❖ October 20, 2009 Tuesday – San Diego, Hubb's Sea World Wildlife Facility

STEPHEN RICKS, (CHAIRMAN), TAC